



STATE OF WEST VIRGINIA
OFFICE OF THE ATTORNEY GENERAL
DARRELL V. MCGRAW, JR.
CONSUMER PROTECTION DIVISION
1-800-368-8808 or 304-558-8986

Press Release

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DESPITE REPRESENTATIONS ON JBC LEGAL GROUP'S WEBSITE TO THE CONTRARY, IT IS STILL PRELIMINARILY ENJOINED FROM COLLECTING DEBTS IN WEST VIRGINIA

The wisdom of the new saying "Don't believe everything you read on the web" was proven by JBC Legal Group's website, which recently reported "West Virginia Attorney General Dismisses Class Action Suit." In fact, nothing could be further from the truth.

On July 30, 2004, Kanawha Circuit Judge Paul Zakaib, Jr. issued an order preliminarily enjoining JBC Legal Group, its owner, California lawyer Jack H. Boyajian, and senior staff lawyer Marv Brandon (collectively "JBC") from collecting debts in West Virginia. The order was issued by the court without a hearing after consideration of the affidavits and exhibits filed by Attorney General Darrell McGraw's Consumer Protection Division in connection with its suit and Motion for Temporary Injunction against JBC.

Attorney General McGraw's office filed the suit on July 28, 2004, charging that New Jersey-based collection agency JBC was engaging in a wide range of unlawful debt collection practices in West Virginia, including the following:

threatening to file suits to collect time-barred debts

coercing consumers to pay debts by threatening arrest and criminal prosecution

accusing consumers of criminal fraud

refusing to verify debts when disputed by consumers

sending threatening written communications on lawyer letterhead stationery when no lawyers had any meaningful involvement in the alleged claim

collecting debts without a license and surety bond as required by the State Tax Department

On August 5, 2004, JBC filed a Notice of Removal removing Attorney General McGraw's law enforcement action to the United States District Court for the Southern District of West Virginia, where the case was assigned to The Honorable John T. Copenhaver, Jr. JBC alleged that the suit was between "citizens of different states" and that the federal court therefore had original jurisdiction under 28 U.S.C. § 1332(a)(1). On August 31, 2004, Attorney General McGraw's office filed a Motion to Remand the case back to the Circuit Court of Kanawha County accompanied by a Memorandum of Law explaining that federal courts have uniformly held that a "state" is not a citizen for purposes of diversity jurisdiction. No other pleadings have been filed, and JBC's representation that the Attorney General's office dismissed its suit is false.

Attorney General McGraw stated, "JBC's false announcement that my office dismissed its suit represents a deliberate effort to mislead the public about its fraudulent practices. I have asked JBC to correct the falsehood and am awaiting its response."

Any persons wishing to file a complaint about a consumer matter or to alert the Attorney General about unfair or deceptive practices may do so by calling the Consumer Protection Hot Line, 1-800-368-8808.

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